

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 9, 2008

DIVISION ONE

B202359 Growth Resource Group, Inc. (Not for Publication)
v.
Preston DuFauchard, as California Corporations Commissioner

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B199860 People (Not for Publication)
v.
Lamont Tarkington
Darris Allen

The convictions are affirmed. The gang enhancements as to each defendant are reversed with directions that they be dismissed and that the 10-year sentences on those enhancements be stricken. The court is also directed to modify Tarkington's sentence by striking the 10-year firearm use enhancement and staying the sentence on the burglary conviction. Allen's sentence is also to be modified by striking the 10-year firearm use enhancement and staying the sentence on the burglary conviction. The trial court is directed to prepare respective abstracts of judgment accordingly and forward certified copies of the corrected abstracts to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Hastings, J. (Assigned)

December 9, 2008 (Continued)

DIVISION ONE (continued)

B202010 People (Not for Publication)
v.
Robert R. Rodriguez

The judgment is reversed and the cause remanded to the trial court to conduct further proceedings as ordered in this opinion.

Rothschild, J.

We concur: Mallano, P.J.
 Dunning, J. (Assigned)

DIVISION TWO

B204012 Blue Water Sunset, LLC (Not for Publication)
v.
First View, LLC et al.

The judgment is affirmed. Four Star shall recover its costs on appeal.

Ashmann-Gerst, J

We concur: Boren, P.J.
 Chavez, J.

B203676 Los Angeles County, D.C F.S. (Not for Publication)
v.
O.L.

The orders are affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (continued)

B203422 People (Not for Publication)
v.
Hay

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B204819 People (Not for Publication)
v.
Rivera, et al.

The judgments of appellants Avalos and Rivera are modified to amend their sentences in count 7 to life in prison with the possibility of parole. Rivera's judgment is also modified to strike the enhancements under section 667.5, subdivision (b). In all other respects the judgments are affirmed. The superior court is ordered to amend the abstracts of judgment to reflect these modifications and to forward copies of the amended abstracts to the Department of Corrections and Rehabilitation.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION THREE

B205742 People (Not for Publication)
v.
Lucio Gonzalez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

December 9, 2008 (Continued)

DIVISION THREE (continued)

Court convened at 2:12 p.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

B203595 In re Zenaido Aguilar
 on
 Habeas Corpus

Merits:

Argued by Stephen Michael DeFilippis for petitioner and by Lora Fox Martin, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

B200436 People
 v.
 Acuna

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B205061 People v. Shetty
B206113 People v. Ledesma et al,
B205704 People v. Esteves
B201294 People v. Reyes et al.,
B209449 People v. Macoy

Argument waived, cause submitted.

DIVISION FIVE (continued)

B205943 American Civil Rights Foundation
 v.
 Los Angeles Unified School District
 Ana Cecilia Alvarez, et al

Merits:

Argued by Sharon L. Browne for appellant, by Peter James for respondent Los Angeles Unified School District, by Shanta Driver for intervenor and respondent Ana Alvarez and by Catherine E. Lhamon for intervenor and respondent Minerva Almarez. Cause submitted.

B201887 People
 v.
 Regina Peel

Merits:

Argued by Randi Coven for appellant. Respondent waived oral argument. Cause submitted.

B209208 Knarik Gabrielyan
 v.
 State of California Dept. of Motor Vehicles

Merits:

Argued by Knarik Gabrielyan, appellant in propria persona. Brent W. Reden, Deputy Attorney General appears for respondent. Cause submitted.

B204411 Marvin Southard
 v.
 George Hsieh

Merits:

Argued by Jean F. Matulis for appellant and by Justin Gold for respondent. Cause submitted.

DIVISION FIVE (continued)

B206091 Nicholas Colachis et al.,
 v.
 Kenneth Griswold et al.,

Merits:

Argued by Jim Colachis appellant, in propria persona and by Peter B. Gelblum for respondents. Appellant Nick Colachis appeared but did not argue. Cause submitted.

B200675 Josef Maatuk
 v.
 Brian Glicker

Merits:

Argued by David E. Durchfort for appellant and by Roy G. Weatherup for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B203825 People v. Quintanilla
B204511 People v. Beltran
B207960 People v. Jose G.
B203957 People v. Madrigal

Argument waived, cause submitted.

DIVISION FIVE (continued)

B206442 Robert Segura
 v.
 LB. 1200 Main, L.P.

Appearances:
Edward Totino appears for respondent and waives argument. No
appearance by appellant. Cause submitted.

B205775 Natural Contrarian, Inc.,
 v.
 Samy's Camera, Inc.,

Merits:
Argued by Andrea Breuer for appellant and by Michael J. Quinn for
respondent. Cause submitted.

Court recessed.

Court reconvened at 12:45 p.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

B205503 People
 v.
 Darryl Strickland et al.,

Merits:
Argued by Benjamin A. Owens for appellants and by Blythe Leszekay,
Deputy Attorney General for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

DIVISION FIVE (continued)

B203957 People v. Madrigal

Argument waived, cause submitted.

B201868 Beck v. Old Republic

Oral argument continued to January 2009

B201556 The Fifth Day LLC
v.
James P. Bolotin, et al.,

Merits:

Argued by Keith A. Kelly for appellant and by Richard E. Blasco for respondents. Cause submitted.

B202301 Badrudin Kurwa
v.
Physician Associates of the Greater San Gabriel Valley, et al.

Merits:

Argued by Nolan E. Clark for appellant, by Zareh Sinayan for respondent Physician Associates of the Greater San Gabriel Valley and by Mark W. Flory for respondents Harrington, Foxx, Dubrow & Canter LLP et al. Cause submitted.

Court adjourned.

December 9, 2008 (Continued)

DIVISION SIX

B207793 People (Not for Publication)
v.
Harsha

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

[illegible]

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

December 9, 2008 (Continued)

DIVISION SEVEN (continued)

B204856 People v. Morgon (Not for Publication)

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B206267 Los Angeles County, D.C F.S. (Not for Publication)
v.
George A.

The findings and orders are affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION EIGHT

B205565 People (Certified for Publication)
v.
C.R.
In re C.R., a Person Coming Under the Juvenile Court Law.

For the reasons set forth above, the juvenile court's wardship orders are affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B202861 Los Angeles County, D.C F.S. (Not for Publication)
v.
R.M.,
In re B.S., a Person Coming Under the Juvenile Court Law.

The October 10, 2007 order is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B202195 Francis Shivers (Not for Publication)
v.
Angela Garber, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.